

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

**JOSEPH H. MATTHEWS III**

Serial No.: 10/825,299

Filed: APRIL 16, 2004

For: User Friendly Remote System Interface

Att. Docket No.: 003797.00923

Group Art Unit: 2179

Examiner: Huynh, Ba

Confirmation No.: 7755

**DECLARATION IN SUPPORT OF RENEWED PETITION UNDER 37 C.F.R. § 1.183**

Mail Stop Petition  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

1. I, Brian Brisnehan, am an attorney with the law firm of Banner & Witcoff, Ltd., 1100 13<sup>th</sup> Street N.W., Washington, DC 20005 and represent the Applicant.

2. On January 9, 2008, I contacted Michelle Masseau, a paralegal at Microsoft Corp., to discuss the proposed prosecution strategy of filing a Declaration Under 37 C.F.R. § 1.131 (the Declaration) for the instant application. Shortly thereafter, I received an e-mail from Ms. Masseau, attached as Exhibit B, containing the last known addresses and contact telephone numbers for the co-inventors. The personal information of the other co-inventors, David Barnes and Joseph Matthews, has been redacted from Exhibit B.

3. On January 9, 2008, I spoke with co-inventor Joseph Matthews by phone and obtained Mr. Plummer's e-mail address, [dave@xeriton.com](mailto:dave@xeriton.com).

4. On January 16, 2008, I sent an e-mail including the Declaration, the exhibits associated with the Declaration, and related materials to the co-inventors of the instant application, requesting that each inventor review and sign the Declaration. This e-mail is embedded with the e-mail string attached as Exhibit C.

5. Later on January 16, 2008, I received a reply e-mail from Mr. Plummer, attached as Exhibit C, confirming receipt of the Declaration, inquiring about certain language of the Declaration and indicating that he would not sign the Declaration in its current form.

6. At least twice between January 17 and January 28, 2008, I tried contacting Mr. Plummer by phone in an attempt to address the questions and concerns from his January 16 e-mail, and to discuss his refusal to sign the Declaration.

7. On January 28, 2008, I sent a second e-mail to the co-inventors in which I asked Mr. Plummer to contact me to discuss any questions or concerns if he was still unwilling to sign the Declaration. This e-mail is embedded with the e-mail string attached as Exhibit D.

8. Shortly thereafter, Mr. Plummer replied to my second e-mail requesting that I address his previous questions and concerns about the Declaration via e-mail. This e-mail is embedded with the e-mail string attached as Exhibit D.

9. Later on January 28, 2008, I sent Mr. Plummer a third e-mail addressing his questions and concerns about the Declaration and once again requesting that he review and sign the Declaration. This e-mail is embedded with the e-mail string attached as Exhibit D.

10. Later on January 28, 2008, Mr. Plummer replied to my third e-mail indicating that he would not sign the Declaration. This e-mail is attached as Exhibit D.

11. Mr. Plummer has continuously maintained his refusal to sign the Declaration.

12. All statements made of our own knowledge are true and all statements made on information and belief are believed to be true; and further, these statements were made with the knowledge that willful, false statement so made are punishable by fine or imprisonment or both, under 18 U.S.C. § 1001 and that such willful, false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Respectfully submitted,

Date: May 30, 2008

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